

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANCIS ALBANI,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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CIVIL ACTION

No. 09-4790

ORDER

AND NOW, this 9th day of June, 2010, upon consideration of the Motion to Dismiss filed by the United States of America (the “United States”), the Department of Homeland Security (the “DHS”), Michael Chertoff (“Chertoff”), Edward S. “Kip” Hawley (“Hawley”), George E. Clisby (“Clisby”), Christine Pritchett-Griggs (“Pritchett-Griggs”), Leo Jackson (“Jackson”) and Victoria Jones¹ (“Jones”) (collectively, “Federal Defendants”) (Doc. No. 6) and the Motion to Dismiss filed by Detective M. Wojciechowski (“Wojciechowski”) (Doc. No. 4), and the Responses and Replies thereto, it is hereby **ORDERED** that:

- (1) Federal Defendants’ Motion is **GRANTED IN PART AND DENIED IN PART**;
- (2) Wojciechowski’s Motion is **GRANTED**;
- (3) all of Plaintiff’s claims against the United States, the DHS, Chertoff, Hawley, Clisby and Pritchett-Griggs are **DISMISSED WITH PREJUDICE**;

¹ “Victoria Jones” is identified as “Rebecca Jones” in Albani’s Complaint.

- (4) all of Plaintiff's claims against Jackson and Jones, except for Plaintiff's Fourth Amendment claims, are **DISMISSED WITH PREJUDICE**;
- (5) Plaintiff's Fourth Amendment claims against Jackson and Jones are **DISMISSED WITHOUT PREJUDICE**;
- (6) Plaintiff is granted leave to file an Amended Complaint within twenty (20) days of the date of this Order; and
- (7) nothing herein affects the viability of Plaintiff's Fourth Amendment claims against Wojciechowski insofar as the claims do not allege negligent conduct on the part of Wojciechowski.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE